



UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SCOTT A. MOSKOWITZ and MARC COOPERMAN

Application No. 08/999,766

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences (BPAI) on June 17, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below:

The application was returned to the examiner via an Order Returning Undocked Appeal (Return) on April 6, 2004. On August 27, 2004, the examiner mailed a communication to appellants stating that "Copies of the references listed in the order returning undocketed appeal to the examiner (paper no. 36) have been included in the file. The case has been returned to the Board of Appeals and Interferences."

However, the BPAI has not been able to locate all of the missing references noted in the Return of August 27, 2004. **Pages 224-226 of the Schneier B, Applied Cryptography reference and Cox, I.J. et al., "Secure Spread Spectrum . . . Technical report 95-10, 33 pp."** are not found in the electronic application. Appropriate correction is required.

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Accordingly, it is

ORDERED that the application is being returned to the Examiner for the second time for the Examiner to have copies of the missing reference material noted above scanned into the IFW and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:

A handwritten signature in black ink, appearing to read 'Dale M. Shaw', written over a horizontal line.

DALE M. SHAW
Deputy Chief Appeals Administrator
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cc: WILEY, REIN & FELDING, LLP
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DMS/vsh